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JUL 16 2012  
TIME A.M. P.M.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

X

ROBERT DUGAN,

Plaintiff,

-against-

THE CITY OF NEW YORK; SGT. ERIC  
CAMPBELL, TAX # 937041; P.O. CHRISTOPHER  
MASTOROS, Shield # 14867, TAX # 937041; and  
P.O. JOHN DOES # 1-5; the individual defendant(s)  
sued individually and in their official capacities,

Defendants.

X

**STIPULATION OF  
SETTLEMENT AND ORDER OF  
DISMISSAL**

11 Civ. 4783 (SJ)(RML)

**WHEREAS**, plaintiff commenced this action by filing a complaint on or about September 30, 2011, alleging that the defendants violated plaintiff's federal civil and state common law rights; and commenced the following separate action, Robert Dugan v. City of New York, et al., 12-cv-01957 (JG)(JO) on or about April 20, 2012, alleging that the defendants violated plaintiff's federal civil and state common law rights;

**WHEREAS**, defendants have denied any and all liability arising out of plaintiff's allegations in both actions; and

**WHEREAS**, the parties now desire to resolve the issues raised in this action, and the issues raised in Robert Dugan v. City of New York, et al., 12-cv-01957 (JG)(JO), without further proceedings and without admitting any fault or liability; and

**WHEREAS**, plaintiff has authorized his counsel to settle these matters on the terms set forth below; and

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed against defendants, with prejudice, and without costs, expenses, or attorneys' fees in excess of the amount specified in paragraph "2" below.

2. Defendant City of New York hereby agrees to pay plaintiff ROBERT DUGAN the sum of FIFTEEN THOUSAND DOLLARS (\$15,000) in full satisfaction of all claims, including claims for costs, expenses and attorneys' fees, brought by plaintiff in both this action and the action entitled, Robert Dugan v. City of New York, et al., 12-cv-01957 (JG)(JO). In consideration for the payment of this sum, plaintiff agrees to dismissal with prejudice of all the claims against the defendants in both this action and the action entitled Robert Dugan v. City of New York, et al., 12-cv-01957 (JG)(JO), both served and unserved, the City of New York, Sgt. Eric Campbell, P.O. Christopher Mastoros, and the individuals named herein as "P.O. John Does #1-5" and named in Robert Dugan v. City of New York, et al., 12-cv-01957 (JG)(JO) as "P.O. John Does #1-10" and to release the defendants and any present or former employees and agents of the City of New York or any entity represented by the Office of the Corporation Counsel, from any and all liability, claims, or rights of action alleging a violation of plaintiff's civil rights, from the beginning of the world to the date of the General Release, including claims for costs, expenses, and attorneys' fees.

3. Plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph 2 above and an Affidavit of Status of Liens. If Medicare has provided payment and/or benefits for any injury or condition that is the subject of this lawsuit, prior to tendering the requisite documents to effect this settlement, Plaintiff shall have notified Medicare and shall submit with the settlement documents a Medicare final demand letter for conditional payments. A Medicare Set-Aside Trust may also be required if future anticipated medical costs

are found to be necessary pursuant to 42 U.S.C. §1395y(b) and 42 C.F.R. §§411.22 through 411.26.

4. In addition, plaintiff shall execute and deliver to defendants' attorney a Stipulation and Order of Settlement and Discontinuance in the action entitled Robert Dugan v. City of New York, et al., 12-cv-01957 (JG)(JO).

5. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules or regulations of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

6. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.

7. Plaintiff agrees to hold harmless defendants, both served and unserved, the City of New York, Sgt. Eric Campbell, P.O. Christopher Mastoros, and the individuals named herein as "P.O. John Does #1-5" and the individuals named in Robert Dugan v. City of New York, et al., 12-cv-01957 (JG)(JO) as "P.O. John Does #1-10" regarding any liens or past and/or future Medicare payments, presently known or unknown in connection with this matter. If conditional and/or future anticipated Medicare payments have not been satisfied, defendants reserve the right to issue a multiparty settlement check, naming Medicare as a payee or to issue a check to Medicare directly based upon Medicare's final demand letter.

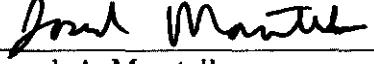
8. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York  
June 26, 2012

Michael Hueston, Esq.  
Attorney for Plaintiff  
350 Fifth Avenue 16 Court St, Ste 3301  
Suite 4810  
New York, NY 10118 Brooklyn, NY 11241  
Dated 7/12/12

By:   
Michael Hueston, Esq.

MICHAEL A. CARDOZO  
Corporation Counsel of the  
City of New York  
Attorney for Defendants  
100 Church Street, Rm. 3-168  
New York, New York 10007  
(212) 788-1300  
Dated 7/12/12

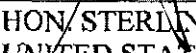
By:   
Joseph A. Marullo  
Assistant Corporation Counsel

Dated: 7/20/12

Brooklyn, New York

SO ORDERED:

/s/(SJ)

  
HON. STERLING JOHNSON, JR  
UNITED STATES DISTRICT JUDGE